

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**DIAMONDHEAD COUNTRY CLUB AND PROPERTY
OWNERS ASSOCIATION, INC.**

PLAINTIFF

V.

CIVIL ACTION NO. 1:05CV211 LTS JMR

ANNE SCAFIDI ALFONSO, ET AL.

DEFENDANTS

MEMORANDUM OF DECISION AND ORDER OF REMAND

The Court has before it Plaintiff Diamondhead Country Club and Property Owners Association, Inc.'s (Diamondhead) motion to remand. The record reflects that this case was filed in the Circuit Court of Hancock County, Mississippi, on May 5, 2004. Defendants were served with process on August 26, 2004. This action was not removed until May 5, 2005, well outside the thirty-day period allowed for the removal of civil actions by 28 U.S.C. §1446(b). Accordingly, the removal was untimely. For this reason, Diamondhead's motion to remand will be granted.

Accordingly, it is

ORDERED

That the plaintiff's motion to remand [1-4] is hereby **GRANTED**; and

That the Clerk of Court shall take the steps necessary to return this case to the Circuit Court of Hancock County, Mississippi.

SO ORDERED this 12th day of December, 2005.

s/ L. T. Senter, Jr.

L. T. Senter, Jr.
Senior Judge